**What Can Be Done About Music Piracy in Canada?**

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There are an estimated 1.6 billion music files being shared online in Canada and the total number of these songs that have actually been purchased is 38 million in 2005. Now in Canada the ratio for songs downloaded for free and songs downloaded *and* paid for is 98/2, 98% of songs downloaded have not been paid for while only 2% have been paid for. Consumers have demonstrated their desire to access music via the internet and virtually every song ever recorded has been made available for downloading (over 97 million recordings) while only 6 million are available through user pay sites (Canadian Recording Industry Association).

Some people have argued that there is no real need to stop the flow of free music on the internet. One might say that there is a real benefit to free distribution: more consumers have more choice and more opportunity to hear and enjoy more music. Are the musicians themselves being hurt? There is an argument out there that says the musicians themselves make most of their money from live performances and touring- the only ones who are being hurt are the record companies who have previously held a kind of monopoly on the distribution of songs. However, the record companies themselves say that they provide a necessary service: most of the money they make goes back into development of new talent, producing better output from existing artists, and ensuring that a great variety of music is actually recorded well. Only a tiny percentage of very popular and well known musicians actually make much from touring- most of the profits from a tour go back to cover the expenses. The recording industry may ensure that lesser known and niche artists still have a future.

If people can generally agree that it would be better for all members of the industry to get paid, musicians, producers, distributors alike; how can we ensure that this happens in the future as more and more people turn to the internet to buy their music? One option is for people to start ‘policing’ internet use in order to make users comply with existing law. This is probably not a good solution because it might cause great opportunity for government or industry to invade individual accounts, databases, or other private property. In the States a relatively new law, the Digital Millenium Copyright Act allows for internet service providers to freeze or subpoena the contents of user accounts upon the request of recording companies. This is controversial and a proposal to implement something similar in Canada is highly unpopular because of its potential to infringe on individual’s privacy. (Michael Geist)

Another option to try to ensure that people get paid for their contributions is in a sense a change in the way we handle music distribution in general. This is a proposal which is put forward by the Songwriters Association of Canada and is described below.

The proposed change would be a change to the Copyright Act. It would be known as the Right to Remuneration for Music File Sharing. In this proposal music sharing is defined as “sharing of copyrighted musical work without motive of financial gain.” This new right would cover the sharing of all types of user “distribution systems”, such as peer to peer networks, mobile networks, email, CD, DVD, Hard drives etc. In exchange for sharing their music the creators and right holders of said music would receive a monthly fee from “most” internet and wireless users in Canada. This fee would be collected and processed by internet service providers (Bell Mobility already has a small scale similar system in place for their cell phone subscribers). Those who don’t use the internet for downloading or sharing music can opt out of this monthly fee but if they are caught they will be fined a large sum of money. A digital ‘tag’ can be attached to music files which would not show ‘where’ they are downloaded, but they can show how many times a specific file is downloaded through a particular provider. This data could help calculate how much is due to go to which artists and producers. This creates one expense for ISPs because they would have to handle the extra data of tracking tagged files. But it could reduce another expense of the necessity for extra bandwidth; the argument is that if most downloaders end up getting ‘quality’ music files which are legal, virus free, complete, and non-corrupt through their ISP, then there will be less traffic though peer to peer network sites (S.A.C).

Payment of this fee to the ISP would eliminate the illegality of music sharing because it would already be paid for. It would also allow for viruses to be removed from websites such as lime wire and bear share. This would create a major financial improvement for the music industry since the money would already be paid they would not have to worry about their music being stolen. The down side to this is that it may destroy existing businesses like iTunes because music prices would already be included in the monthly fee and those who don’t use the monthly fee don’t usually download music (S.A.C).

Another obvious down side is that this proposal has a slim chance of working. It is a good idea in concept, but the system itself might not work because there is no way to police it which doesn’t infringe on privacy. People don’t always obey the honour system; many would just opt out of paying and find their music for free, like they do now.

What is certain is that things will have to change if we are to continue to have access to varied, quality music. The notion that the public has a *right* to share music without monetary gain seems like a step in the right direction. This seems to legally recognize the general public attitude that the internet and its contents are more like a library than a store. If we move forward along this line we will have to refine the way we pay for internet service, and for what we take from it.

The Canadian Recording Industry Association; <http://www.cria.ca/freemusicmyth.php>; 2008, April 15, 2009

The Canadian Recording Industry Association; <http://www.cria.ca/stats.php>; 2008, April 15, 2009

The Songwriters Association of Canada; http://www.songwriters.caslashstudioslashproposal.ca ; March 2009; April 13 2009

Michael Geist; <http://www.michaelgeist.ca/content/view/3040/308/>; June 2008; March 30, 2009